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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 SEP 21 P 2:03
AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
TONTA HILLS UTILITY COMPANY FOR
APPROVAL TO CANCEL ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY AND
TO SELL ITS ASSETS TO TONTA HILLS
DOMESTIC WATER IMPROVEMENT
DISTRICT.

DOCKET NO. W-20653A-09-0064

DOCKET NO. W-02483A-09-0064

**NOTICE OF FILING STAFF'S LATE
FILED EXHIBIT**

On February 17, 2009, Tonto Hills Water Company ("Tonto") filed before the Arizona Corporation Commission ("Commission") an application to cancel its Certificate of Convenience and Necessity ("CC&N") and for approval of the sale of its assets to Tonto Hills Domestic Water Improvement District ("District").

On July 16, 2009, the Commission Hearing Division issued a Procedural Order setting a hearing in this matter for September 9, 2009, at 10:00 a.m.

On September 9, 2009, the hearing commenced. At the close of evidence, the Hearing Division directed Commission Utilities Division Staff ("Staff") to file as a late-filed exhibit a complete copy of the most recent Public Water System Compliance Status Report as issued by the Maricopa County Environmental Services Department.

Staff hereby provides the required documentation, attached as Exhibit 1.

RESPECTFULLY SUBMITTED this 21st day of September, 2009.

Arizona Corporation Commission
DOCKETED

SEP 21 2009

DOCKETED BY

Kevin O. Torrey SBN#022300
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 Original and thirteen (13) copies
2 of the foregoing were filed this
21st day of September, 2009 with:

3 Docket Control
4 Arizona Corporation Commission
1200 West Washington Street
5 Phoenix, AZ 85007

6 Charles Dunning
7 TONTO HILLS UTILITY CO.
11802 East Blue Wash Road
Cave Creek, AZ 85331

8 Steven C. Polgar
9 LAW OFFICES OF STEVEN C. POLGAR
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10 Carefree, AZ 85377
Attorney for Tonto Hills Utility Co.

11 Steve Wene
12 MOYES SELLERS & SIMS LTD.
1850 North Central Avenue, Suite 1100
13 Phoenix, AZ 85004
Attorneys for Tonto Hills Domestic
14 Water Improvement District

15 Charles Civer
16 TONTO HILLS DOMESTIC
WATER IMPROVEMENT DISTRICT
42265 North Old Mine Road
17 Cave Creek, AZ 85331

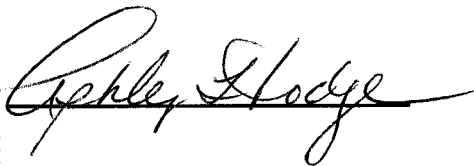
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EXHIBIT 1



Maricopa County
Environmental Services Department

PUBLIC WATER SYSTEM COMPLIANCE STATUS REPORT

System Name: Tonto Hills Water Co.
PWS ID#: 07-076

Type of System: Community Number of POE's: consecutive to 07-098 Surface Water: no
Number of Service Connections: 128 Population Served: 265

Assigned Monitoring Dates - Initial: 1/1/95 Phase II: 1/1/95 Phase V: 1/1/98

Does the water system have a Certified Operator? Robert Hanus

Does the system have major treatment plant deficiencies? no
Please describe: _____

Date of last inspection: 12/31/08

Does the system have major O & M deficiencies? no
Please describe: _____

Does the system have water quality monitoring/reporting deficiencies? minor
Please describe: Due to a TTHM sample above the MCL in September 2006, the system is required to monitor for TTHM quarterly. The system did not submit a 1st quarter 2008 sample. Public notice is required for missed monitoring

General Public Water System Compliance Status? **Substantial Compliance**

Date of compliance review: **January 5, 2009** By: **Laura Moorhead** Initials: _____
Phone: **(602) 506-6631**

Requested By: post inspection Fax Number/ Contact: _____ Tracking Number: _____
Supervisor Initials: _____ Date: _____

Drinking Water Program
Michael Mallette, Manager

1001 N. Central Ave., Suite 250 Phoenix, Arizona 85004-1940 Phone: (602) 506-6666 Fax: (602) 372-0866

ARIZONA CORPORATION COMMISSION STATUS REQUEST

TO:

Maricopa County Environmental Services Department
Drinking Water Program Supervisor Attention: Michael Mallette
1001 N. Central Ave. Suite 150
Phoenix, AZ 85004-1935
Phone 602-506-6666
Fax 602-372-0866

DATE: February 26, 2009

Please Return the Completed Request Form to:

Del Smith at Fax: 602-542-0766 or Email: dsmith@azcc.govWater Company Name: **Tonto Hills Utility**PWS I.D. Number: **07-076**

Compliance Status Report

Overall Compliance Status: ☒ [X] No Major Deficiencies ☐ [] Major Deficiencies

Comments:

Monitoring and Reporting Deficiencies: ☐ [] No Deficiencies ☐ [] Major DeficienciesList deficiencies: Minor. Public notice required for missed TTHM; 1st Qtr 2008.**Operation and Maintenance Deficiencies:** ☒ [X] No Deficiencies ☐ [] Major DeficienciesDate of last inspection / sanitary survey: 12/31/2008.

Major Operation and Maintenance Deficiencies cited during inspection

<input checked="" type="checkbox"/> [X] None	<input type="checkbox"/> [] unable to maintain 20 psi	<input type="checkbox"/> [] inadequate storage
	<input type="checkbox"/> [] cross connection/backflow problems	<input type="checkbox"/> [] surface water treatment rule
	<input type="checkbox"/> [] treatment deficiencies	<input type="checkbox"/> [] approval of construction
	<input type="checkbox"/> [] certified operator	<input type="checkbox"/> [] other

Comments:

Enforcement Action:Has enforcement action been taken? ☐ [] Yes ☒ [X] NoIs water system in compliance with Consent /Compliance Orders/Agreements? ☐ [] Yes ☐ [] No

Comments:

System Information:Number of Points of Entry N/A Population Served 265 Connections Served 128**Compliance Review Conducted by:** Laura Moorhead / Rob Collins**Phone:** 602 506-0719**Date:** February 26, 2009

Based on data submitted by the water system, Maricopa County Drinking Water Program has determined that this system is currently delivering water that (meets/does not meet) water quality standards required by Arizona Administrative Code, Title 18, Chapter 4. This compliance status report does not guarantee the water quality for this system in the future. This compliance status report does not reflect the status of any other water system owned or operated by this utility company.